

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

HAROLD PARKER ET AL.

v.

C.A. No. 10-040 ML

JAMES WEEDEN ET AL.

REPORT AND RECOMMENDATION

Presently before the Court are two motions filed by Raymond Clements (incorrectly written as "Clemmens" in the complaint), *pro se*, to be removed as a plaintiff in the instant action (Dockets # 4 & 7). These motions shall be interpreted as a motions for voluntary dismissal by Clements pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. These matters have been referred to me for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

Clements is an inmate at the Adult Correctional Institutions in Cranston, Rhode Island. On or about February 1, 2010, fellow inmate Harold Parker filed a complaint pursuant to 42 U.S.C. § 1983, purportedly signed by both Parker and Clements (Docket # 1). However, in the instant motions, Clements states that he neither signed any documents in this matter nor gave permission for anyone else to sign any such documents on his behalf. Therefore, I hereby recommend plaintiff's first motion for voluntary dismissal be GRANTED and his second motion for the same be DENIED as moot. Additionally, I recommend that the action be DISMISSED without prejudice with respect to plaintiff Clements.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen days of its receipt. Fed.R.Civ.P. 72(b). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
February 18, 2010